

EXHIBIT C

STATE OF CALIFORNIA
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 INMATE APPEALS BRANCH
 P. O. BOX 942883
 SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

SEP 11 2007

Date: AUG 28 2007

In re: Cleveland, H-60545
 Correctional Training Facility
 P.O. Box 686
 Soledad, CA 93960

IAB Case No.: 0616440 Local Log No.: CTF 07-01924

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Pennington, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that on May 8, 2007 he appeared before the Unit Classification Committee (UCC) and requested to be transferred to another institution so that he could program and work in a job with a pay number. The appellant believes that his request was inappropriately denied. The appellant has requested that this appeal be passed through every level of the appeals process, so that a Writ to the courts may be filed. The appellant has requested to be provided a one on one interview with the media.

II SECOND LEVEL'S DECISION: On May 29, 2007 the appellant was interviewed by Correctional Counselor II D. Silva. The reviewer established that on May 8, 2007 the appellant did appear before the Unit "III" UCC and it was the action of the committee to deny the appellant's request for transfer. It was explained to the appellant that the State of California Memorandum dated July 2, 2002 and September 4, 2002, entitled "Retention of Inmates and Reduction of Transfers," was reviewed and that these documents were the basis for the UCC denial of the appellant's in-level transfer request. The reviewer determined that the appellant's current placement at Correctional Training Facility (CTF) is in line with existing policy and procedure. California Code of Regulations, Title 15, Section (CCR) 3376 clearly outlines that each inmate's case must be reviewed at least annually to consider among other things, a transfer between facilities. Existing policy does not dictate that an inmate must be taken before a classification committee upon request; however, the appellant's needs, interests, desires, behavior and placement score will be considered by the classification committee at his next scheduled annual review. The reviewer determined that the appellant met the criteria outlined in the State of California Memorandum dated September 4, 2002, for retention at CTF. The appellant was informed that only the Regional administrator could approve in-level transfers that do not meet the specific criteria outlined in the previous memorandums. Based upon this information the appeal was denied at the Second Level of Review.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The Department has issued a Memorandum dated September 1, 2005, "Institution Bed Management." On August 17, 2005, the CDCR inmate population weekly Wednesday count reached another all time high of 165,357 inmates. That is 157 inmates higher than the previous high of 165,221 inmates reached on October 6, 2004. In order to immediately reduce the backlog of inmates in Reception Center's, it is imperative that inmates are processed expeditiously as possible. Effective immediately, any inmate eligible to transfer to a lower level institution including inmates who classification score may be evaluated at a semi-annual classification review, shall be referred to the Classification Staff Representative for immediate transfer or the appropriate override based upon case factors. If the lowest security level an inmate is eligible for is within that institution then the case shall be referred to the Classification & Parole Representative (C&PR) for immediate endorsement. This directive supersedes the July 2, 2002 Memorandum. The CSU will be producing lists to every prison identifying inmates that are out of level and may be eligible to transfer to a lower level institution. Every institution will be expected to have a minimum of 30 inmates endorsed, including C&PR endorsements, and ready for transfer every week until there are no inmates out of level.

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Unfortunately the appellant's case factors do not meet this criterion. The classification process has acted appropriately and in accordance with the latest directives as set forth in the most recent Memorandum, "INSTITUTION BED MANAGEMENT," dated September 1, 2005. Based upon the facts as they have been presented in this appeal there shall be no relief afforded the appellant at the Director's Level of Review.

B. BASIS FOR THE DECISION:

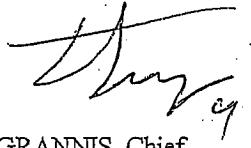
PC: 5068

CCR: 3001, 3005, 3270, 3375, 3375.1, 3375.4, 3376, 3380

State of California Memorandum dated September 17, 2005 - Institution Bed Management

C. ORDER: No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CTF
Appeals Coordinator, CTF